

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

BLONDELL SIMMONS, :  
Plaintiff :  
v. :  
Jeffrey A. Beard, et al., :  
Defendants :  
: ORDER

AND NOW, THIS 16<sup>th</sup> DAY OF MAY, 2013, for the reasons set forth in  
the Memorandum of this date, IT IS HEREBY ORDERED THAT:

1. Plaintiff's motions to proceed *in forma pauperis* (Doc. Nos. 2 and 12) are **GRANTED** only for the purpose of filing the complaint.
2. The complaint is **DISMISSED**, as frivolous, pursuant to 28 U.S.C. §1915(e)(2)(B)(I).
3. Plaintiff's motion for appointment of counsel (Doc. No. 4) is **DISMISSED** as moot.
4. The Clerk of Court is directed to **CLOSE** this case.
5. Any appeal from this order will be deemed frivolous, not taken in good faith and lacking probable cause.

s/ Malachy E. Mannion  
**MALACHY E. MANNION**  
**United States District Judge**